

REMARKS

The Applicants would like to thank Examiner Stronczer for interviewing this case on December 7, 2009. Examiner Stonczer and the Applicants' representative, David Wilson, discussed the primary cited reference and agreed that it is not prior art. They also discussed the claimed invention.

Status of the Claims

The Office Action rejected claims 1-14, 20, 21, and 23-26 under 35 U.S.C. §103(a) over the cited portions of Masukura et al., U.S. Publication No. 2004/0148640 ("Masukura"), and further in view of the cited portions of Yamauchi et al., U.S. Patent No. 5,907,659 ("Yamauchi"), and the cited portions of Addington et al., U.S. Publication No. 2004/0025181 ("Addington"). The Office Action rejected claim 22 under 35 U.S.C. §103(a) as over Masukura, in view of Addington and Yamauchi, and further in view of the cited portions of Duffield et al., U.S. Patent No. 5,461,427 ("Duffield"). No claims are added, canceled, or amended. Applicants respectfully request reconsideration for the reasons that follow.

35 U.S.C. §103(a) Rejections, Masukura et al.

The Office Action rejected independent claims 1, 10, and 24 under 35 U.S.C. §103(a) over Masukura in view of Yamauchi and Addington. Applicants respectfully traverse the rejections because primary reference Masukura is not prior art to the pending claims.

The Application was filed on March 15, 2004 and properly claims the benefit of the March 14, 2003 filing date of U.S. Prov. Pat. Appl. No. 60/455,009 and June 6, 2003 filing date of U.S. Prov. Pat. Appl. No. 60/476,503. Masukura was filed on November 13, 2003, later than the priority date of the Application. While Masukura claims priority to a Japanese patent application filed on November 15, 2002, this date is not the reference's 35 U.S.C. 102(e) date. "The potential reference must be a U.S. Patent, a U.S. application publication (35 U.S.C. 122(b)) or a WIPO publication of an international application under PCT Article 21(s) in order to apply the reference under 35 U.S.C. 102(e)," (MPEP 706.02(f)(1)). Furthermore, the other cited references do not remedy the deficiencies resulting from Masukura not being prior art.

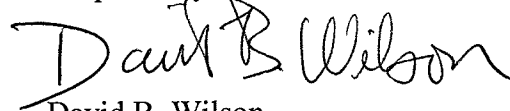
Applicants respectfully submit that independent claims 1, 10, and 24 are allowable for at least the foregoing reasons. Claims 2-9, 11-14, 20-23, and 25-26 each depend from these independent claims, and are believed allowable for at least the same reasons as given above. Applicants, therefore, respectfully request that the §103(a) rejections to the claims be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink that reads "David B. Wilson". The signature is written in a cursive, flowing style.

David B. Wilson
Reg. No. 57,816

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
MLD:s5k
62343788 v1